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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/666,509 | 09/20/2000 | Noah Prywes | 367059-101 | 6955 |

7590 10/04/2004

Law Office of Ethan D. Civan
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EXAMINER

BAUGH, APRIL L

ART UNIT PAPER NUMBER

2141

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|------------------------------|--|
| Office Action Summary | Application No. 09/666,509 | Applicant(s) PRYWES, NOAH | |
| | Examiner April L Baugh | Art Unit 2141 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Amendment

Claims 1-57 are now pending. Examiner's error with respect to omitting claim 68 from consideration in the previous office action and telephone interview, claim 68 is included in group V of the restricted claims, which were not elected. Therefore claims 58-68 are withdrawn due to a non-election with traverse and claims 1-57 are now pending.

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 44-47 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-57 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,108,688 to Nielsen in view of Gossett Dalton, Jr. et al. (US Patent No. 6,426,955).

Regarding claims 1 and 44-47, Nielsen teaches a method, system, computer-readable medium of automatically forwarding a response to a message to the sender of the message, comprising: (a) prompting the sender to provide a message; (b) prompting the sender to identify

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a recipient, the recipient having a plurality of associated contact numbers (column 1, lines 44-48 and column 4, lines 13-19 and column 8, lines 10-18 and 20-27 where if the system is able to contact the recipient by pager, email, phone, etc. it must also be able to associate each contact number with the proper receiving device to be able to execute the proper method of contact); (d) sending the message provided in response to step (a) to the associated contact number to which the message has not yet been sent; (e) prompting the recipient of the message to provide a reply to the message; (f) waiting at least a predetermined amount of time; (g) if no response to the message is received, repeating steps (d) through (g) with respect to the next associated contact number until a response is received or the message has been sent to all associated contact numbers; and (h) forwarding the response to the sender (column 2, lines 4-30 and lines 57-67 where the email address of the recipient is ranked as first to contact and after no response a phone number, pager number, or faxed number is ranked next to contact the recipient).

Nielsen does not teach prompting a user to rank the associated contact numbers. Gossett Dalton, Jr. et al. teaches (c) prompting a user to rank the associated contact numbers relating to the recipient identified in response to step (b) from highest to lowest; (d) sending the message provided in response to step (a) to the highest ranked associated contact number to which the message has not yet been sent; (e) prompting the recipient of the message to provide a reply to the message; (f) waiting at least a predetermined amount of time; (g) if no response to the message is received, repeating steps (d) through (g) with respect to the next highest ranked associated contact number until a response is received or the message has been sent to all associated contact numbers (column 14, lines 18-31 and column 24, lines 29-31 and 42-44 and column 25, lines 14-21). Therefore it would have been obvious to one of ordinary skill in the art

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at the time the invention was made to further modify the system for obtaining responses to messages of Nielsen by prompting a user to rank the associated contact numbers because the sender may know which contact numbers the recipient is more likely to be able to be reached at thus decreasing response time because there will be fewer loops through the contact list before the recipient responds to the message thus making the system more efficient.

Regarding claim 2, Nielsen teaches the method of claim 1, wherein the call time of the sender is less than the call time of the recipient (column 1, lines 45-47).

Referring to claim 3, Nielsen teaches the method of claim 1, wherein the call time of the sender is less than the call time of the sender would have been had the sender communicated with the recipient by multi-party telephone call (column 1, lines 45-47).

Regarding claim 4, Nielsen teaches the method of claim 1, wherein the channel of communication utilized by the recipient for sending the response is the same as the channel of communication utilized by the sender for sending the message (column 2, lines 4-25).

Referring to claim 5, Nielsen teaches the method of claim 1; wherein the channel of communication utilized by the recipient for sending the response is different from the channel of communication utilized by the sender for sending the message (column 2, lines 4-30).

Regarding claim 6, Nielsen teaches the method of claim 1, wherein the channel of communication utilized by the sender for sending the message is e-mail (column 1, lines 54-57).

Referring to claim 7, Nielsen teaches the method of claim 1, wherein the channel of communication utilized by the sender for sending the message is paging (column 2, lines 28-30).

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Regarding claims 8 and 50, Nielsen teaches the method of claim 1 and 47, wherein the channel of communication utilized by the sender for sending the message is by automated telephone call (column 2, lines 28-30).

Referring to claim 9, Nielsen teaches the method of claim 8, further comprising the step of: (i) if the automated telephone call sent in step (d) is connected but after the performance of step (f) no response to the message has been received, prompting the recipient to reply to the telephone call at a later time (column 4, lines 20-31).

Regarding claims 10 and 49, Nielsen teaches the method of claim 1 and 47, wherein the channel of communication utilized by the sender for sending the message is by facsimile (column 1, lines 45-48).

Referring to claim 11, Nielsen teaches the method of claim 1, further comprising: (i) repeating steps (b) through (h) with respect to one or more additional recipients (column 4, lines 1-3 and 53-65).

Regarding claim 12, Nielsen teaches the method of claim 11, wherein each response forwarded to the sender in an iteration of step (h) is forwarded separately from responses forwarded in other iterations of step (h) (column 2, lines 4-25).

Referring to claims 13, Nielsen teaches the method of claim 11, wherein two or more responses forwarded to the sender in different iterations of step (h) are forwarded together (column 4, lines 32-65).

Regarding claim 14, Nielsen teaches the method of claim 13, wherein the two or more responses forwarded together are forwarded as part of a compose report (column 4, lines 32-65).

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Referring to claim 15, Nielsen teaches the method of claim 14, wherein the composite report comprises a listing of each successful message transmission (column 4, lines 32-65).

Regarding claim 16, Nielsen teaches the method of claim 14, wherein the composite report comprises a listing of each response (column 4, lines 32-65).

Referring to claim 17, Nielsen teaches the method of claim 14, wherein the composite report comprises summary data relating to all of the responses (column 4, lines 32-65).

Regarding claim 18, Nielsen teaches the method of claim 11, further comprising: (j) prompting the current recipient to indicate whether to send the current recipient's response to the other recipients of the sender's message; and (k) if the current recipient indicates in response to step (j) that the response should be sent to the other recipients, sending the current recipient's response to the other recipients of the sender's message (column 2, lines 65-67 and column 4, lines 53-65 and column 8, lines 18-27).

Regarding claim 19, Nielsen teaches the method of claim 1, wherein the user prompted to rank the plurality of associated contact numbers in step (c) is the sender (column 1, lines 44-51 and column 2, lines 4-30 and column 4, lines 1-13).

Regarding claim 20, Nielsen teaches the method of claim 1, wherein the user prompted to rank the plurality of associated contact numbers in step (c) is the recipient (column 8, lines 8-17).

Referring to claim 21, Nielsen teaches the method of claim 1, wherein the user prompted to rank the plurality of associated contact numbers in step (c) is neither the sender nor the recipient (column 1, lines 44-51 and column 2, lines 4-30 and column 4, lines 1-13).

Regarding claim 22, Nielsen teaches the method of claim 1, wherein if the user fails to provide a ranking of associated contact numbers in response to step (c), a default ranking is used

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in steps (d) through (g) (column 1, lines 44-51 and column 2, lines 4-30 and column 4, lines 1-13).

Referring to claim 23, Nielsen teaches the method of claim 1, further comprising: (i) prompting a user to rank the associated contact numbers relating to the recipient identified in response to step (b) from highest to lowest in a second ordering and to supply a condition, wherein, if the user provides a second ranking in response to step (i), the ordering utilized in steps (d) through (h) is selected based on the condition (column 1, lines 44-51 and column 2, lines 4-30 and column 4, lines 1-13).

Regarding claim 24, Nielsen teaches the method of claim 23, wherein the condition comprises a criterion relating to the time of day at which the message is being sent (column 3, lines 49-51).

Regarding claim 25, Nielsen teaches the method of claim 23, wherein the condition comprises a criterion relating to the day of the week on which the message is being sent (column 3, lines 16-23).

Referring to claim 26, Nielsen teaches the method of claim 23, wherein the condition comprises a criterion relating to the identity of the sender (column 4, lines 53-65).

Regarding claim 27, Nielsen teaches the method of claim 23, wherein the condition comprises a criterion relating to the content of the message (column 3, line 60 to column 4, line 13).

Regarding claim 28, Nielsen teaches the method of claim 1, further comprising: (i) prompting a user to provide an expiration time for at least one associated contact number, wherein if the expiration time of an associated contact number has passed prior to the

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time provided by the user in response to step (i) (column 1, lines 11-25 and column 2, lines 4-30).

Regarding claim 35, Nielsen teaches the method of claim 1, further comprising: (i) converting a verbal message provided by the sender in response to step (a) into textual form (column 3, lines 24-26).

Referring to claim 36, Nielsen teaches the method of claim 35, wherein the message is sent to at least one recipient by e-mail (column 1, lines 54-57).

Regarding claim 37, Nielsen teaches the method of claim 1, further comprising: (i) converting a verbal response provided by the recipient in response to step (e) into textual form (column 3, lines 24-26).

Referring to claim 38, Nielsen teaches the method of claim 1, wherein step (a) is performed over the Web; wherein step (a) comprises prompting the sender to provide a message subject, a message body, one or more prompts to be provided to the recipient, and a type of data to be collected; wherein step (a) further comprises prompting the sender to provide a message to be provided if the message is sent by telephone call and the telephone call is answered by a voicemail system; wherein the response of the recipient to the message is received using automatic speech recognition if the message is sent to a telephone number; wherein step (b) comprises providing a searchable address book to the sender; and wherein step (d) comprises, in the case of a message being sent to an associated contact number that includes a telephone extension, automatically dialing both the telephone number and the telephone extension (column 2, lines 5-30 and column 3, lines 24-26 and column 3, line 60 to column 4, line 13).

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performance of an iteration of step (d), the expired associated contact number is not utilized in the performance of the current and any subsequent iterations of step (d) (column 1, lines 11-25 and column 2, lines 4-30).

Regarding claim 29, Nielsen teaches the method of claim 1, further comprising: (i) prompting a user to provide a commencement time for at least one associated contact number, wherein if the performance of an iteration of step (d) occurs prior to the commencement time of an associated contact number, the associated contact number is not utilized in the performance of the current iteration of step (d) (column 1, lines 11-25 and column 2, lines 4-30).

Referring to claim 30, Nielsen teaches the method of claim 1, further comprising: (i) prompting a user to provide a start time, wherein, if a user provides a start time in response to step (i), steps (d) through (h) are delayed until the start time (column 1, lines 11-25 and column 2, lines 4-30).

Regarding claim 31, Nielsen teaches the method of claim 1, wherein the predetermined amount of time is equal to zero seconds (column 1, lines 11-25 and column 2, lines 4-30).

Regarding claim 32, Nielsen teaches the method of claim 1, wherein the predetermined amount of time exceeds zero seconds (column 1, lines 11-25 and column 2, lines 4-30).

Regarding claim 33, Nielsen teaches the method of claim 1, wherein the predetermined amount of time depends on the channel of communication used for sending the message in the current iteration of step (d) (column 1, lines 11-25 and column 2, lines 4-30).

Regarding claim 34, Nielsen teaches the method of claim 1, further comprising: (i) prompting a user to provide an amount of time, wherein, if the user provides an amount of time in response to step (i), the predetermined amount of time in step (f) is equal to the amount of

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Regarding claim 39, Nielsen teaches the method of claim 35, wherein the response is sent to the sender by e-mail (column 2, lines 5-25).

Regarding claim 40, Nielsen teaches the method of claim 1, wherein if the transmission of a message using an associated contact number is not successful in step (d), the message is retransmitted to the same associated contact number until the message is successfully transmitted to the associated contact number or until a predetermined number of transmissions have been unsuccessful (column 2, lines 4-30).

Regarding claim 41, Nielsen teaches the method of claim 1, further comprising: (i) prompting the recipient to indicate the recipient's response is urgent, wherein, if the recipient indicates that the response is urgent, the response is sent to the sender within a predetermined amount of time (column 5, lines 24-28).

Regarding claim 42, Nielsen teaches the method of claim 1, further comprising: (i) prompting a sender to contact an operator, wherein the operator has access to data relating to the sender's message (column 3, lines 8-26).

Referring to claim 43, Nielsen teaches the method of claim 1, wherein the message provided by the sender in response to step (a) comprises a plurality of questions; and wherein the recipient is prompted in step (e) to provide an answer to each question in the sender's message (column 3, lines 8-26).

Regarding claim 48, Nielsen teaches the system of claim 47, wherein said communication interface comprises an Internet connection (column 2, lines 57-60).

Regarding claim 51, Nielsen teaches the system of claim 47, wherein said communication interface comprises voice recognition code (column 3, lines 24-26).

Referring to claim 52, Nielsen teaches the system of claim 47, wherein said input device comprises a keypad (column 3, lines 36-40).

Regarding claim 53, Nielsen teaches the system of claim 47, wherein said input device comprises a microphone (column 3, lines 36-40).

Regarding claim 54, Nielsen teaches the system of claim 47, wherein said input device comprises a keyboard (column 3, lines 36-40).

Regarding claim 55, Nielsen teaches the system of claim 47, wherein said input device comprises a pointing device (column 3, lines 36-40).

Regarding claim 56, Nielsen teaches the system of claim 47, further comprising: at least one database stored in said memory (column 3, lines 36-40 and column 4, lines 32-52).

Regarding claim 57, Nielsen teaches the system of claim 56, wherein said at least one database comprises at least one table for storing associated contact numbers, at least one table for storing unsent messages, and at least one table for storing data relating to expected responses to messages (column 4, lines 32-52).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to systems for obtaining responses to messages in general: Hafiz and Reuss et al.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB


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